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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile, Costa Rica,* Croatia, Cyprus,* Czechia, Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Netherlands,* Norway,* Paraguay,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* Thailand,* Togo,† Turkey,* United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling its resolutions 27/22 of 26 September 2014, on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation, and 32/21 of 1 July 2016, on the elimination of female genital mutilation,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

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Recalling also General Assembly resolution 71/168 of 19 December 2016, on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the General Assembly, the Commission on the Status of Women and the Human Rights Council on measures to eliminate traditional practices that are detrimental to the rights of women and girls,

Recalling further the Vienna Declaration and Programme of Action,[1] the Programme of Action of the International Conference on Population and Development,[2] the Beijing Declaration and Platform for Action[3] and the outcomes of their review conferences,

Welcoming the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development[4] and the Addis Ababa Action Agenda,[5]

Recognizing that female genital mutilation is a harmful practice that violates, abuses and undermines the human rights of women and girls, that it is linked to other harmful practices and violations of such rights, which it perpetuates, and that such practices and violations, in turn, pose a serious threat to the health and well-being of women and girls, including their physical integrity and their mental, sexual and reproductive health,

Recognizing also that the practice has no documented health benefits and may, on the contrary, increase the risk of sickness and death, that it causes severe stress and shock, that it may give rise to post-partum and obstetric complications such as fistula or haemorrhage, and that it is likely to increase vulnerability to HIV and hepatitis C and B and to cause other health problems,

Recognizing further that the practice of female genital mutilation continues to have an adverse effect not on only the economic, legal, health and social status of women and girls, but also on the development of society as a whole, while the empowerment of and investment in women and girls, their full enjoyment of their human rights and their full, equal, effective and meaningful participation at all levels of decision-making are key to breaking the cycle of gender inequality, discrimination, gender violence and poverty and are critical, inter alia, to sustainable development,

Recognizing that female genital mutilation and all other harmful practices are mainly motivated by gender inequality and patriarchal social norms that undermine the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and girls, and that harmful practices constitute a human rights violation and a form of violence against women and children,

Recognizing also that harmful practices such as female genital mutilation are an impediment to the full realization of gender equality and the empowerment of women and girls, respect for all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Convinced that such harmful practices seriously impede the implementation of legislative and normative frameworks that guarantee gender equality and human rights and prohibit gender-based discrimination,

Deeply concerned that, despite increased national, regional and international efforts, the practice of female genital mutilation persists in all parts of the world and that new forms, such as medicalization and cross-border practice, are emerging,

Concerned about evidence of an increase in the incidence of female genital mutilation being carried out by medical personnel in all regions in which it is practised,

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[1] A/CONF.157/24 (Part I), chap. III.
[2] General Assembly resolution S-21/2, annex.
[3] Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.
[4] General Assembly resolution 70/1.
[5] General Assembly resolution 69/313, annex.

Recognizing that the practice constitutes torture or ill-treatment and should be prohibited, in accordance with regional and international human rights standards, and that the trend towards the medicalization of female genital mutilation does not make it any more acceptable,

Expressing deep concern about the lack of effective measures for prosecuting perpetrators and providing victims of female genital mutilation with access to remedies and redress, health care and health services, psychosocial counselling, legal assistance and socioeconomic reintegration services,

Recognizing the role of regional and subregional instruments and mechanisms in the prevention and elimination of female genital mutilation,

Taking note of the "UNiTE to end violence against women" campaign launched by the Secretary-General in 2018,

Recalling the inter-agency global strategy launched in 2010 by the World Health Organization to stop health-care providers from practising female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice cannot be justified on religious or cultural grounds,

Recognizing that efforts at the local, national, regional and international levels have led to a decline in the global prevalence of female genital mutilation, but remaining deeply concerned that there is still a significant shortfall in the resources allocated to the elimination of female genital mutilation and that the lack of funding has severely limited the scope and roll-out of programmes and activities designed to eliminate the practice,

Reaffirming the obligations and commitments of States to respect, protect and promote the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of female genital mutilation,

Bearing in mind that States have primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice,

1. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilation, including medical acts performed within or outside of medical institutions, and to take all necessary measures to prohibit female genital mutilation and to protect women and girls from this form of violence;

2. *Urges* States to adopt, implement, harmonize and enforce laws and policies to prevent and put an end to female genital mutilation, protect those at risk and support women and girls who have been subjected to the practice;

3. *Calls upon* States to develop and implement, with the participation of the relevant stakeholders — including girls, women, religious and traditional leaders, community leaders, health-care providers, civil society, human rights groups, men and boys and youth organizations — integrated, comprehensive and coordinated strategies and policies to prevent and eliminate all forms of female genital mutilation;

4. *Urges* States to ensure the national implementation of international and regional obligations that they have undertaken under the various international instruments that protect the full enjoyment of all human rights and fundamental freedoms of women and girls;

5. *Stresses* that the empowerment of women and girls is key to breaking the cycle of discrimination and violence and to promoting and protecting human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

6. *Calls upon* States, the international community and the United Nations system to stop the medicalization of female genital mutilation, which implies drawing up and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so as to provide an adequate response to the chronic mental and physical health problems of the millions of women and girls who have undergone female genital

mutilation, as these problems hinder progress in the field of health in general and in the protection of human rights, including the right to the enjoyment of the highest attainable standard of physical and mental health;

7. *Urges* States to respect, protect and promote the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable their enjoyment of all human rights and all fundamental freedoms, including their sexual and reproductive health;

8. *Urges* States to promote accountability and ensure access to justice for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of female genital mutilation, including by informing women and girls about their rights and removing all barriers to access to legal assistance and remedies;

9. *Calls upon* States to take the following immediate and effective measures to eradicate the practice of female genital mutilation:

(a) Address the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations such as patriarchal norms that perpetuate female genital mutilation;

(b) Place special emphasis on formal and informal education, in particular for young people, including girls, and for parents and religious, traditional and community leaders, about the harmful effects of female genital mutilation, and, in particular, encourage men and boys to become more involved in information and awareness campaigns and to be agents of change within communities, with the meaningful participation of women and girls who have been subjected to the practice;

(c) Continue and intensify their efforts to provide information and raise awareness about the harmful effects of female genital mutilation, increase their support for action to eliminate the practice at the community, national and international levels, and organize activities within this framework during the International Day of Zero Tolerance for Female Genital Mutilation, with the involvement of religious and traditional authorities;

(d) Develop, support and promote, as appropriate, educational programmes, including programmes on sexual and reproductive health, that challenge the negative stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(e) Adopt national legislation prohibiting female genital mutilation, in line with international human rights law, and take steps to ensure its strict application, while working to harmonize their laws in order to effectively combat the cross-border practice of female genital mutilation, including by strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, in accordance with national laws and policies and international human rights law;

(f) Systematize the collection of data on female genital mutilation, encourage research, particularly at university level, transparency, accountability and data-sharing by the relevant stakeholders, and use the results to strengthen public information and awareness-raising activities and effectively measure the progress made in eliminating female genital mutilation;

(g) Assist professional associations and trade unions of health service providers in adopting internal disciplinary rules prohibiting their members from engaging in the harmful practice of female genital mutilation;

10. *Calls upon* States to provide assistance to women and girls who are victims of female genital mutilation, including through appropriate support services for treatment of the physical, physiological and psychological consequences;

11. *Encourages* States to consider presenting, during the universal periodic review, relevant recommendations on measures to eliminate female genital mutilation;

12. *Invites* the international community to keep the issue of the elimination of female genital mutilation on the agenda of development policies and to devote special

attention to the issue in the implementation of the Sustainable Development Goals between now and 2030;

13. *Calls upon* States to continue to increase technical and financial assistance for the effective implementation of policies, programmes and action plans to eliminate female genital mutilation at the national, regional and international levels;

14. *Invites* the Joint Programme on Female Genital Mutilation/Cutting of the United Nations Population Fund and the United Nations Children's Fund to continue to develop the national capacities of States and local communities, including in the health sector, to ensure the effective implementation of policies, programmes and action plans with the involvement of all stakeholders, and encourages States and development cooperation agencies to consider increasing their financial support for the Joint Programme;

15. *Also invites* the United Nations High Commissioner for Human Rights and the relevant human rights treaty bodies to continue to give special consideration to the question of the elimination of female genital mutilation;

16. *Requests* the United Nations High Commissioner for Human Rights, in close collaboration with the United Nations Population Fund, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other United Nations specialized agencies, funds and programmes, international human rights mechanisms and civil society organizations, to organize a two-day meeting in 2019, preferably in Addis Ababa, to discuss progress, gaps and challenges in the application of human rights norms, standards and principles to the measures taken by State and non-State actors to prevent and eliminate female genital mutilation in different contexts, including in the context of communities, humanitarian assistance and migration and other population movements, and to submit a report on the outcome of the above-mentioned meeting at the forty-fourth session of the Human Rights Council;

17. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.